

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LAURA WYNNE,

Petitioner,

v.

//

CIVIL ACTION NO. 1:12CV17
(Judge Keeley)

WARDEN at SFF HAZELTON,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 23, 2012, the pro se petitioner, Laura Wynne ("Wynne"), filed a petition pursuant to 28 U.S.C. § 2241 in which she challenges the calculation of her federal sentence. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with LR PL P 2. On March 21, 2012, the respondent, the Warden at Secure Female Facility Hazelton ("the Warden"), filed a Motion to Dismiss or, in the alternative, for Summary Judgment (Dkt. No. 14). Although the magistrate judge issued a Roseboro notice to the petitioner the next day, Wynne filed no response.

On May 30, 2012, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that the Warden's motion to dismiss or for summary judgment be granted and the petitioner's § 2241 petition be denied and dismissed with prejudice. (Dkt. No. 18). The magistrate judge determined that, contrary to the petitioner's claim, Wynne is not entitled to federal custody credit for the time spent in federal custody

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pursuant to a writ of habeas corpus ad prosequendum.

The R&R also specifically warned Wynne that her failure to object to the recommendation would result in the waiver of any appellate rights she might otherwise have on this issue. The parties did not file any objections.* Consequently, finding no clear error, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 18), **GRANTS** the motion to dismiss or for summary judgment (dkt. no. 14), **DENIES** the § 2241 petition (dkt. no. 1) and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: June 29, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

* The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).